

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Municipal Administration & Urban Development - Warangal Municipal Corporation - Permission to the Commissioner, Warangal Municipal Corporation to meet the expenditure of Rs.57,86,450/- from the General Funds of the Warangal Municipal Corporation for depositing the same with the Land Acquisition Officer & Revenue Divisional Officer, Warangal, in compliance to the Orders of High Court subject to outcome of L.A.A.S.No.496/08 - Accorded - Orders - Issued.

MUNICIPAL ADMN & URBAN DEVELOPMENT (W1) DEPARTMENT

G.O.Rt.No. 1593

DATED: 08/12/2011

From the Commissioner, Municipal Corporation, Warangal,
Letter Roc.No.G1/4059/2010, Dated : 25.10.2011.

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ORDER:

In the reference read above, the Commissioner, Warangal Municipal Corporation, has informed that, the road leading to Kakatiya University to Mulugu road at Warangal City was earlier maintained by the Zilla Parishad and the said road has been taken over by the R & B Department on 01.01.1978, for maintenance, from the Zilla Parishad and widening of road taken by the R&B Department on 01.01.1978 for the convenience of public and free flow of Vehicular Traffic. During widening of the above road by the R & B Department the land pertaining to Sri Pendyala Sarangapani, S/o Rajamallu in Sy.No.61/1 to an extent of 544.50 Sq.Yds of Lashkarsingaram Village and in Sy.No.162 to an extent of 847 Sq.Yds of Kumarpally village have been affected under road widening. It is already in the Award Procs.No.A/1434/200, Dated: 25.01.2002, of the LAO & RDO Warangal, that Sri Pendyala Sarangapani S/o Rajamallu, the GPA Holder of the Lands coming under acquisition has stated that he was filed a Writ Petition before the High Court in W.P.No.5636 of 1993 and the Commissioner was appointed by the Court and the Commissioner's report has been submitted by the Principal Senior Civil Judge, Warangal on 09-08-1999 before the High Court stating that the Land was taken possession by the authorities in the year 1971 itself and accordingly the High Court in W.A.No.253 of 1999 W.A. under clause 15 of letter patent against the orders in W.P.No.5636 of 1993 dated 16-12-1998, directed the respondents i.e., the Municipal Corporation, Warangal and the District Collector Warangal, to pay the Compensation in respect of the land of the appellants taken in Sy.No.61/1 and 162 of Lashkarsingaram and Kumarpally.

2. The Commissioner, Warangal Municipal Corporation, has further informed that, to obey the above orders, requisition proposals placed vide Lr.No.6361/93/G1, Dated:26.05.2000, for acquisition of 546 Sq.Yd in Sy.No.61/1 of Lashkarsingaram and 857 Sq.Yds. in Sy.no.162 of Kumarpally village of Hanamkonda Mandal for the purpose of road widening in compliance to the directions of High Court, Dated.08.02.2000 in Letter No.W.A.No.253/99, and after knowing the ground reality, the then Commissioner, Municipal Corporation Warangal, though Lr.No.G1/6361/93, dated: 04-01-2002 has informed and which was recorded in the award proceeding of the Land Acquisition Officer & Revenue Divisional Officer,, Warangal, Dated:25-01-2022, that the Executive engineer (R & B), Warangal stated that the roads leading from Kakatiya junction to Mulugu road was not formed by them, but taken over by the R&B Department on 01-01-1978 from the Zilla Parishad and the same was disallowed U/s.34 of the LA., Act., and there was no clarity about the taking over of the advance possession of the lands coming under acquisition.

(P.T.O.)

3. It has been further informed that, subsequently, the Land acquisition proceedings were issued by the Land Acquisition Officer & Revenue Divisional Officer, Warangal vide Proceedings Dt.25.01.2002, wherein the Land Acquisition Officer & Revenue Divisional Officer, Warangal has fixed the market value for the land of Sri Pendyala Sarangapani S/o Rajamallu to an extent of 544.00 Sq. yards in Sy.No.61/2 of Lashkarsingaram Village and 847.00 Sq Yard respectively and that total value was fixed as Rs.1,93,116/- over which a solarium @ 30% and additional market value @ 12% for the period from 04.09-200 to 25.02.2002 as such the total compensation was fixed as Rs.2,83,366/- and it also mentioned that the amount of Rs.3.00 lakhs deposited by the Warangal Municipal Corporation was sufficient to meet the cost of acquisition.

4. Aggrieved by the above orders, the applicant has approached the Hon'ble Principal Senior Civil Judge, Warangal in O.P.NO.50 of 2002. The Respondents are (1) R.D.O., Warangal (LAO), (2) Commissioner, Warangal Municipal Corporation, (3) Executive Engineer, R&B, Warangal. The Hon'ble Court, Warangal has issued orders on 10-03-2008 duly enhancing the rate of compensation duly enhancing the market value to Rs.534/- per Sq. yard and also stayed that the claimants are entitled for Solarium @ 30%, Additional Market Value @ 12% w.e.f. 04-09-2000 and interest of 9% per Annum from 01-01-1978 for one year and there after for the interest 15% per Annum from 01-01-1979 to till date as the possession of the property was taken in the 1978. Accordingly the decretal amount was calculated by the Land Acquisition Officer & Revenue Divisional Officer, Warangal, totaling to an amount of Rs.57,86,449-53. In the said O.P., and submitted to the District Collector, Warangal - vide Letter, Dt.01-12-2009.

5. The Commissioner, Warangal Municipal Corporation has further informed that the R.D.O., Warangal has informed that the appeal filed against the lower Court Orders, Dt.10-03-2008 in O.P.No.50 of 2002, before the High Court on 12-11-2009 in LA.AS.No.496 of 2008 and after hearing the Case, the Court has granted the interim stay on condition of depositing of 50% of the decretal amount within a period of 6 weeks from the date of the orders dt.12-11-2009, which was expired by 23-12-2009 and the decrial amount was calculated and submitted to the District Collector, Warangal - vide Letter, Dated:01-12-2009 for arranging the fund and while enclosing the copy of the decretal amount calculation sheet requested the Warangal Municipal Corporation, to deposit an amount of Rs.21,41,640/- with the Land Acquisition Officer & Revenue Divisional Officer, Warangal, before 23.12.2009 on which the interim stay granted by the Court will be lapsed and the claimants in EP No.248 of 2008 in O.P No.50 of 2002 have already issued E.P notice claiming an amount of Rs.57,86,449/- due to O.P.No.50 of 2002.

6. The Commissioner, Warangal Municipal Corporation, has further stated that, on receipt of the Letter, Dt.14.12.2009 from the RDO Warangal, his office has referred the matter to the Municipal Standing Counsel, for offering his opinion and accordingly the Municipal Standing Counsel has submitted his opinion vide his Letter, Dated:19.01.2010. Accordingly a letter was addressed to the R.D.O., Warangal - vide Letter Dt.19.02.2010, informing that the orders were passed against the LAO & RDO, Warangal in O.P.No.50 of 2002 on 10.03.2008 to pay the enhanced compensation and consequence of the said orders, the Government has preferred an appeal before the High Court and the Court in LA.AS.No.496 of 2008 granted interim stay subject to depositing 50% of the enhance decretal amount and the stay was expired on 23.12.2009. The Warangal Municipal Corporation further informed that the Apportioning orders were passed by the ROD, Warangal for the entitlement of the Compensation to the land owners and as per the said orders, an amount of Rs.3.00 Lakhs has deposited and there is a controversy since inception, that the land was not acquired by the Warangal Municipal Corporation, and the same was acquired by the R&B Department from the Zilla Parishad on 01.01.1978 and also there is ambiguity of advance possession to that effect and the Government have called upon the Warangal Municipal Corporation to Comply the order in O.P.No.50 of 2002 though the decree is the RDO, Warangal and

informed the RDO, Warangal, that as per the orders in O.P.No.50 of 2002 though the decree is the RDO, Warangal, and informed the RDO, Warangal that as per the orders in O.P.No.50 of 2002, the WMC is not responsible for payment of compensation of the subject land and the R & B Department is responsible in this regard. From time to time on behalf of Government the RDO, Warangal and Executive Engineer, R&B, Warangal filing LA AS No.496 of 2008, LA AS MP No.811 of 2009 in LA AS No.496 of 2008 and got stay orders for payment of the same. Now the petitioner Sri Pendyala Sarangapani, filed WP MP No.1679 of 2010 in WP No.1379 of 2011 and got interim orders on 28.02.2011 directing the three Respondents i.e., (1) R.D.O., Warangal (2) Commissioner, Warangal Municipal Corporation & (3) Executive Engineer, R&B Department, Warangal, to ensure that the amount covered by the decree is paid within three (3) months from the date of issuing of the orders.

7. The Commissioner, Municipal Corporation Warangal, has also informed that, the petitioner has filed a Contempt Petition in the Hon'ble High Court CC No.996 of 2011 in W.P.M.P. No.1679 of 2011 in W.P. No.1379 of 2011, which has come up for personal appearance of the Commissioner, Warangal Municipal Corporation before the Hon'ble Judge in the High Court on 17.10.2011 and the Court has directed the Warangal Municipal Corporation to deposit the decretal amount Rs.57,86,450/- with informed the RDO, Warangal, that as per the orders in O.P.No.50 of 2002 though the decree is the RDO, Warangal, and informed the RDO, Warangal that as per the orders in O.P.No.50 of 2002, the WMC is not responsible for payment of Warangal with in a period of one (1) month.

8. In the above circumstances, the Commissioner, Warangal Municipal Corporation, has requested the Government to issue suitable orders permitting him to meet the expenditure of Rs.57,86,450/- (Rupees Fifty seven lakhs eighty six thousand four hundred and fifty only) from the General Funds of the Warangal Municipal Corporation, for depositing the same with the informed the RDO, Warangal, that as per the orders in O.P.No.50 of 2002 though the decree is the RDO, Warangal, and informed the RDO, Warangal that as per the orders in O.P.No.50 of 2002, the WMC is not responsible for payment of Warangal, in compliance to the above orders of the High Court.

9. Government, after careful examination of the matter, hereby permit the Commissioner, Warangal Municipal Corporation, to meet the expenditure of Rs.57,86,450/- (Rupees Fifty seven lakhs eighty six thousand four hundred and fifty only) from the General Funds of the Warangal Municipal Corporation, for depositing the same with the Land Acquisition Officer & Revenue Divisional Officer, Warangal, in compliance to the orders of the Prl.Senior Civil Judge, Warangal in O.P.No.50/02, Dt.10.03.2008 subject to out come of L.A.A.S.No.496/08 pending in High Court and also in compliance to the Orders Dt.17.10.2011 of High Court.

10. The Commissioner, Warangal Municipal Corporation, shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B.SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner, Warangal Municipal Corporation,
Warangal.

Copy to :

The District Collector, Warangal District, Warangal.

The Land Acquisition Officer, & Revenue Divisional
Officer, Warangal.

The Government Pleader for MA & UD., High Court of
A.P., Hyderabad.

The O.S.D. to Minister (MA & UD).

SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER